

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 11/12/2002
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a new information collection received on 09/27/2002.

TITLE: Southwest Region Coral Reef Ecosystems Permit Form

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0463

EXPIRATION DATE: 11/30/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	14	30	0
Difference	14	30	0
Program Change		30	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
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Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs
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PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated
	5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
SOUTHWEST REGION CORAL REEF ECOSYSTEMS PERMITS**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* (Magnuson-Stevens Act), the Western Pacific Fishery Management Council (Council) has developed a Fishery Management Plan for Coral Reef Ecosystems of the Western Pacific Region (FMP)¹. Key management measures of the FMP include the establishment of a Federal permit program for harvesting coral reef management unit species; record keeping and reporting requirements; no-take and low-use Marine Protected Areas or MPAs; gear restrictions and listings of allowed and prohibited fishing gear; mitigation requirements addressing wreck removals and pollution mitigation for fishing vessels operating in or traversing any MPAs; and a framework procedure for making regulatory adjustments to the western Pacific coral reef ecosystems management program.

This collection, which establishes a new permit family of forms, is necessary for the effective management and conservation of the coral reef fisheries and resources in waters of the U.S. exclusive economic zone in the western Pacific region. The information is needed for permit issuance, to identify actual or potential participants in the fishery, and to help measure the impacts of management controls on the participants in the fishery. The permit program is also an effective tool in the enforcement of fishery regulations and serves as a link between the National Marine Fisheries Service (NMFS) and fishermen through the permit application process.

As separate actions to this collection, requests for OMB clearance have been submitted for logbook and gear-marking requirements.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

Information will be collected via a permit application process (Special Coral Reef Ecosystem Fishing Permit). Any person who intends (a) to fish for coral reef management unit species in a low-use Marine Protected Area, (b) to target coral reef taxa in the Exclusive Economic Zone (EEZ), or (c) transship coral reef management unit species, must have a special coral reef fishing permit issued under the FMP. Permits are valid for one calendar year and may be renewed annually.

Importantly, the information from the application form will be used by the NMFS Southwest Region, in consultation with the Council, to determine whether the permit applicant qualifies for

¹ A Notice of Availability of the FMP for public comment was published in the *Federal Register* on March 18, 2002 (67 FR 11971).

a special permit. Vessel-related information such as vessel size, name of the operator, vessel's insurer, etc., may be used by NMFS to determine whether the applicant is an owner of a U.S. documented/registered vessel. The information, which profiles the current fishery, may also be used by NMFS enforcement and other offices of NMFS, U.S. Coast Guard (USCG) and the Council. Other information requested in the application form will be used to assess the impact of the proposed fishing activity on harvested stocks of coral reef biota and their habitat. The data include location of fishing grounds, types of fishing gear and method of collection, fishing effort, target and incidental species, and disposition of the catch. The permit applicant is also asked to furnish general information on the objectives of the harvesting operation and a description of possible impacts on protected species, habitat, and the ecosystem to enable NMFS and the Council to gain a broad perspective on the proposed harvesting operation if a permit is granted.

As requested, summaries of permit application information are provided to the Council and interested parties to generally describe the fishery and give an overview of the nature and magnitude of the impacts of the FMP regulations on the permit holders.

This collection also includes information involving appeals of permit denials. The appellant must provide documentation to show why a special permit should have been granted. The information will be used by the NMFS Regional Administrator in making a final determination on permit issuance under the FMP. The frequency of appeals for permit denials is expected to be no more than 2 per year.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

None of the federal permit application forms for western Pacific fisheries, including this collection, are currently submitted in electronic form although facsimile machines are used to a considerable extent. However, applicants for special coral reef ecosystem fishing permits will be able to obtain and print an application form via the Southwest Region's website at <http://swr.nmfs.noaa.gov/piao>.

4. Describe efforts to identify duplication.

During the course of developing the FMP, NMFS and the Council worked with representatives of the State of Hawaii and U.S. Pacific island government fisheries agencies to craft a permit application form with intent to minimize duplication with respective information collections. These agencies offered advice to the Council in the final specifications for the application form itself, as well as the information elements being recorded. However, in no instance was it possible to use state/territorial collections to replace the federal special coral reef fishing permit form.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

All of the vessels in the western Pacific fisheries under the management purview of the Council, including fishers who harvest coral reef resources, are small business entities of similar size and are affected comparably. No special measures are needed to accommodate different sized businesses. Only a minimum amount of data needed for permit issuance and consistent with this collection are sought in the permit application process.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the permit application data are not available or are collected less frequently, NMFS and the Council will not be able to properly evaluate an application for a special permit issued under the FMP. Also, it would be difficult to monitor the fishery and its participants, determine entry and exit patterns, and provide information needed to ensure full impact analysis for the coral reef ecosystems management program. NMFS Enforcement will not be assured of being able to identify the current participants in the fishery for purposes of compliance monitoring and enforcement of the regulations. Contact between NMFS and fishermen will be less frequent; NMFS will be unable to consult with permit holders on coral reef fishery-related issues or advise them of regulatory changes.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The collection is consistent with the OMB Guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

During the development of the FMP and management measures, NMFS and the Council consulted with fishermen, Pacific island state/territorial agencies, and enforcement officials in crafting a special coral reef ecosystem permit application form. A proposed rule (copy attached) is also soliciting public comment on this collection.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts are involved in this program.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Under Section 402b of the Magnuson-Stevens Act and NOAA Administrative Order 216-100, information submitted in accordance with regulatory requirements under the Act is confidential. Personal and proprietary information in this collection is not released to the public.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature are asked.

12. Provide an estimate in hours of the burden of the collection of information.

	Annual Burden: (Hours)
a) 12 respondents (permit applicants) x 2 hr/response	= 24
b) 2 respondents (appellants) x 3 hr/response	= 6
Total	= 30

The total annual cost to respondents for personnel time is estimated at \$ 750 per year. This was derived by multiplying the number of hours of burden each year (30 hours) times an hourly cost rate of \$25 (estimated rate of a vessel operator or designated agent of a vessel owner).

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

There is no “start up” capital cost for complying with this requirement. The estimated cost to respondents to mail (i.e., postage) and make file copies of the application form, permit, appeal documents, etc. is \$100 per year.

14. Provide estimates of annualized cost to the Federal government.

The estimated cost of this collection to the Federal government is about \$70 per permit or appeal action. This entails reviewing the application/appeal, determining sufficiency of respondents’ documents, awarding the permit, coordinating appeal actions, organizing application and appeal-related information, sending out permit renewal timing notices, responding to inquiries, etc. The total Federal cost is estimated at \$1000 per year.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a program change resulting from a new requirement.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No publication based solely on this collection of information is planned at this time. However, the information contained in the permit application will be analyzed by NMFS and the Council to determine eligibility for permit issuance and the need for management changes to conserve coral reef stocks and protect endangered or threatened marine animals and their habitats. These analyses will be included in annual stock assessment and fishery evaluation reports as required under the FMP. The information from this collection may ultimately be published in scientific journals.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The expiration date is displayed.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions are proposed.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Special Coral Reef Ecosystem Fishing Permit Application Form**Applicant Information**

Date: ____/____/____

Name: _____ Phone: _____ Fax: _____

Address: _____
Street Apt # City State Zip Code

Vessel Name: _____ Home Port: _____

Length: _____ Net Tonnage: _____ Gross Tonnage: _____

Vessel USCG Documentation / State License / Vessel Registration (circle one) Number: _____

Vessel operator:

Name: _____ Phone: _____ Fax: _____

Address: _____
Street Apt # City State Zip Code

Is this permit solely to transship coral reef ecosystem taxa received from another vessel around the EEZ of the Northwest Hawaiian Islands, the Pacific Remote Island Areas, or any other MPA? _____

Do you agree to accommodate an observer on board while fishing, if required? _____

Does vessel have an individual Vessel Monitoring System? _____

Do you agree to submit daily log data within 30 days of returning to port? _____ or transshipment log data within 7 days of returning to port? _____

Circle any special exemption for which you qualify and would like to be eligible for under this permit application (attach description of conditions under which you apply):

Other FMP

Scientific Bioprospecting General Indigenous Indigenous use of live rock/coral Aquaculture seed stock of coral

In which EEZ Management Subarea will fishing be conducted ? (circle only one)

Main Hawaiian Islands Northwest Hawaiian Islands Guam Guam's Southern Banks

American Samoa CNMI PRIA (specify all) _____

Describe your intended fishing effort, general fishing grounds, gear to be used and methods of collection

Target Species or Taxa				Expected Incidental Species or Taxa		
Species Name	Expected Catch (lb)	How will it be processed? ¹	Why harvested? ²	Species Name	Expected Catch (lb)	keep?

Use back, if necessary; total expected catch during permit period for target species required for permit approval

¹Live, fresh, frozen, preserved, other² Food, ornamental, research, other

Attach statement regarding objectives of fishing operation, estimated ecosystem, habitat and protected species impacts, and any additional information to help support approval of this application

This information is true to the best of my knowledge.

Signature: _____

Return to: Pacific Islands Area Office, Southwest Region, NMFS

Tel: (808) 973-2935; Fax: (808) 973-2941

Paperwork Reduction Act Information

Public reporting burden for this collection is estimated to average 120 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Regional Administrator, Southwest Region, NMFS, 501 W. Ocean Boulevard, Suite 4200, Long Beach, California 90802.

This information is being collected to provide the information needed by NMFS to regulate and monitor the coral reef fisheries and resources managed under the Fishery Management Plan for Coral Reef Ecosystems of the Western Pacific Region (FMP) and to evaluate the effectiveness of management by assessing the status of stocks and the status of the fisheries. The information provides a basis for determining whether changes in management are needed to sustain the productivity of the stocks or to respond to interactions between fishing vessels and protected species and to address economic problems in the fishery. The information is also used to provide a basis for evaluating the magnitude and distribution of impacts resulting from changes to the regulations. Responses to the collection are required under 50 CFR 660.13. Proprietary data provided concerning the vessel and/or business of the respondents are handled as confidential under the Magnuson-Stevens Fishery Conservation and Management Act (Sec.402(b)). Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

97-453, 99-659, 101-627, 102-251, 104-297

(b) DISCRETIONARY PROVISIONS.--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297